

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

KAL KENFIELD,

Plaintiffs,

vs.

DAVID BERKEBILE, Warden-  
Crossroads Correctional Center;  
BRANDY SHERRARD, Classification  
Coordinator; CAMILLE WANDLER,  
Unit Manager; TIMOTHY ALLRED-  
Board of Pardons and Parole; Officer  
BURDITT- Institutional Probation and  
Parole Office; MIKE BATISTA,  
Director-Department of Corrections;  
KARI KINYON, D.O.C. Contract  
Monitor; STATE OF MONTANA, et.  
al.,

Defendants.

**CV 15-48-GF-BMM-JTJ**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE**

Plaintiffs Jeremiah Worm, Kal Kenfield, Jeremy Seminole, and Thomas Mascarena signed and filed a single Motion to Proceed Without Paying the Filing Fee, a proposed Complaint, and a proposed order to show cause for a preliminary injunction and temporary restraining order. (CV 15-31-GF-BMM-JTJ Docs. 1, 2, 2-1). United States Magistrate Judge John Johnston issued an Order severing the

Plaintiff's claims into four cases, requiring each Plaintiff to either file their own motion to proceed in forma pauperis or pay the filing fee before July 10, 2015. Furthermore, Judge Johnston found the Complaint failed to state a claim upon which relief could be granted, and gave the Plaintiffs an opportunity to file separate amended complaints on or before July 24, 2015. (Doc. 1). Mr. Kenfield failed to respond to the Court's Order, did not pay the filing fee, did not submit a motion to proceed in forma pauperis, and did not submit an amended complaint.

Judge Johnston entered Findings and Recommendations in this matter on August 24, 2015. (Doc. 7). Judge Johnston recommended this Court dismiss this claim for failure to comply with the Court's Order of June 16, 2015 (Doc. 1) and close this matter pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Upon service of a magistrate judge's findings and recommendations, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). Neither party filed timely objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full.

**IT IS HEREBY ORDERED:**

1. This matter is dismissed for failure to comply with the Court's Order of June 16, 2015. (Doc. 1).
2. The Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 8th day of September, 2015.



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Brian Morris  
United States District Court Judge